

REMARKS

Claims 1-24 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite, the Examiner objecting to the use of the terms “interferometer phase,” “substantially above,” and “airborne device” in some of the claims.

As suggested by the Examiner during a telephone interview, Applicants have substituted the terms --phase difference-- for the terms “interferometer phase”.

With respect to the use of the term “substantially above,” Applicants respectfully disagree and traverse this rejection. Applicants believe that the use of the term “substantially above” is definite in view of the “...guidelines contained in the specification”; see MPEP 2173.05(c) and *cases* cited therein. The Office Action asks “How far above a level is something that is ‘substantially above’ that thing?” In response, Applicants point out that the specification and claims require that an amplitude level be substantially above a “calculated first average amplitude.” In particular, the specification sets forth some examples of signals which are substantially above a calculated first average amplitude (see specification pages 6 and 7, paragraph 17, for example).

Accordingly, Applicants respectfully submit that the use of the terms “substantially above” is definite and complies with 35 U.S.C. §112, second paragraph. Applicants respectfully request withdrawal of this rejection.

Regarding the use of the term “airborne device,” Applicants have added text into independent claim 22 which more particularly points out that the

airborne device is --selected from the group consisting of a fixed wing aircraft and a rotary wing aircraft--.

Applicants respectfully submit that the changes to claims 1, 9, 13, 18 and 22 are not related to the patentability of these claims, or other claims, because they are only grammatical in nature.

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-24.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

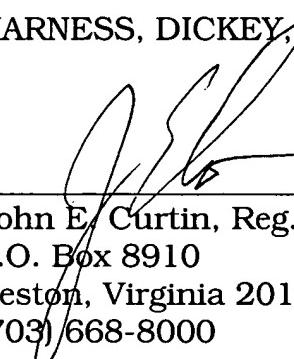
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By


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